



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

April 05, 2011

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

27 April 5, 2011

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**QUITCLAIM OF EASEMENTS FROM THE LOS ANGELES COUNTY
FLOOD CONTROL DISTRICT TO DWA GLENDALE PROPERTIES, LLC
PAULA DRAIN - PARCELS 2EXE AND 1EXE
AND FIRST AMENDMENT TO USE AGREEMENT NO. 76374 BETWEEN
THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
AND THE CITY OF GLENDALE
BURBANK EASTERN SYSTEM - SUNSET CHANNEL PARCELS 128 AND 312
IN THE CITY OF GLENDALE
(SUPERVISORIAL DISTRICT 5)
(3 VOTES)**

SUBJECT

This action is to approve the quitclaim of easements from the Los Angeles County Flood Control District to DWA Glendale Properties, LLC along portions of Paula Drain and approve the First Amendment to Use Agreement No. 76374 between the Los Angeles County Flood Control District and the City of Glendale along Burbank Eastern System - Sunset Channel, in the City of Glendale.

IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

1. Find that this project is categorically exempt from the provisions of the California Environmental Quality Act.
2. Find that the easements for ingress and egress along Paula Drain, Parcels 2EXE and 1EXE, located in the City of Glendale, are no longer required for the purposes of the Los Angeles County Flood Control District.

3. Approve the quitclaim of easements for ingress and egress along Paula Drain, Parcels 2EXE and 1EXE, in the City of Glendale, to the underlying fee property owner DWA Glendale Properties, LLC. Parcel 2EXE will be quitclaimed in exchange for an alternate ingress and egress easement plus \$13,350. Parcel 1EXE will be quitclaimed at fair market value.
4. Instruct the Mayor, Board of Supervisors of the Los Angeles County Flood Control District, to sign the Quitclaim of Easement document along Paula Drain, Parcel 2EXE, and delegate the authority to the Chief Engineer of the Los Angeles County Flood Control District, or her designee, to sign the Quitclaim of Easement document in Parcel 1EXE and authorize delivery to DWA Glendale Properties, LLC.
5. Approve the First Amendment to Use Agreement No. 76374 between the Los Angeles County Flood Control District and the City of Glendale.
6. Instruct the Mayor, Board of Supervisors of the Los Angeles County Flood Control District, to sign the First Amendment to Use Agreement No. 76374 and authorize delivery to the City of Glendale.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to obtain approval from your Board, acting as the governing body of the Los Angeles County Flood Control District (LACFCD), to quitclaim easements from the LACFCD to DWA Glendale Properties, LLC (DWA) along Paula Drain, Parcels 2EXE and 1EXE, and approve the First Amendment to Use Agreement No. 76374 (Amendment) between the LACFCD and the City of Glendale (City), along the Burbank Eastern System - Sunset Channel, Parcels 128 and 312, in the City.

DWA plans to develop its property, which will require the relocation of an existing LACFCD easement along Paula Drain. As a condition of approving the relocation of the easement, DWA was required to grant an alternative easement to the LACFCD and pay fair market value for the quitclaim of easement in Parcel 2EXE.

DWA also requested the LACFCD to consider the quitclaim of Parcel 1EXE to incorporate the land into its development. Construction of Paula Drain has been completed, and portions of Parcel 1EXE lie outside the required right of way. DWA, the underlying fee owner, requested the quitclaim.

As a result of DWA's redevelopment plans, the City will need to realign its proposed recreational trail for the Glendale Narrows River Walk project. The City requested to amend Use Agreement No. 76374 (Agreement), which was adopted by your Board on October 16, 2007, Synopsis No. 23, to include recreational trails.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) and Community and Municipal Services (Goal 3). The revenue received from these transactions will help promote fiscal responsibility for the operation and maintenance of flood control facilities. The improvements will enhance river aesthetics and recreational opportunities in the area, thereby improving the quality of life for the residents of the County of Los Angeles.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

As a consideration for the quitclaim in Parcel 2EXE, DWA granted the LACFCD an alternate easement and paid \$13,350. DWA will pay fair market value for Parcel 1EXE. These amounts will be deposited into the Flood Control District Fund.

There will be no monetary consideration paid for amending the Agreement since use of the LACFCD property is for the Glendale Narrows River Walk project. The Los Angeles County Flood Control Act provides for LACFCD property to be used for these purposes as long as the public recreational purposes are compatible with the LACFCD's use of the property for flood control, water quality, and water conservation purposes.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Parcels 2EXE and 1EXE are located along Paula Drain between Paula Avenue and Flower Street. Parcels 128 and 312 are located along Burbank Eastern System - Sunset Channel, south of Victory Boulevard and Flower Street in the City of Glendale.

The proposed quitclaim of easements and Amendment are authorized by Section 2, Paragraphs 13 and 14 of the Los Angeles County Flood Control Act. This Section provides as follows: "Said Los Angeles County Flood Control District is hereby declared to be a body corporate and politic, and as such shall have the power...13. To lease, sell or dispose of any property (or any interest therein) whenever in the judgment of said board of supervisors said property, or any interest therein or part thereof, is no longer required for the purposes of said district...14. To provide, by agreement with other public agencies... for the recreational use of the lands, facilities, and works of such district which shall not interfere, or be inconsistent, with the primary use and purpose of such lands, facilities, and works by such district."

The Quitclaim of Easement documents and the Amendment have been reviewed and approved by County Counsel as to form. The Quitclaim of Easement documents will be recorded.

ENVIRONMENTAL DOCUMENTATION

The proposed project (quitclaim of easements) is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15312 of the CEQA Guidelines and Class 12 of the Environmental Reporting Procedures and Guidelines adopted by your Board on November 17, 1987. These exemptions provide for the sale of surplus government property.

On October 16, 2007, Item No. 23, your Board approved the environmental document for the Glendale Narrows River Walk project. The Mitigated Negative Declaration found that the project will not have a significant effect on the environment in accordance with the provisions of CEQA. The proposed First Amendment to Use Agreement No. 76374 to include recreational trails as part of the installation and maintenance is not a change in the project scope that was identified in the Mitigated Negative Declaration prepared by the City.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

This action allows for joint use of the LACFCD right of way without interfering with the primary mission of the LACFCD.

CONCLUSION

Please return one adopted copy of this letter, an original executed Quitclaim of Easement document, and two originals of the Amendments to the Department of Public Works, Survey/Mapping & Property Management Division. Retain the duplicate Quitclaim of Easement document and one original Amendment for your files.

Respectfully submitted,

A handwritten signature in black ink that reads "Gail Farber". The signature is written in a cursive, flowing style.

GAIL FARBER
Director

GF:SGS:hp

Enclosures

c: Auditor-Controller (Accounting Division - Asset
Management)
Chief Executive Office (Rita Robinson)
County Counsel
Executive Office

ORIGINAL

RECORDING REQUESTED BY
AND MAIL TO:

DWA GLENDALE PROPERTIES, LLC
1000 Flower Street
Glendale, CA 91201-3007

Space Above This Line Reserved for Recorder's Use

Documentary Transfer Tax is \$ _____
() computed on full value of property conveyed, or
() computed on full value less value of liens and
encumbrances remaining at time of sale

Assessor's Identification Number:
5627-018-065 (Portion)

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

By _____

QUITCLAIM OF EASEMENT

For a valuable consideration, receipt of which is hereby acknowledged, the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic, does hereby remise, release, and forever quitclaim to DWA GLENDALE PROPERTIES, LLC, a Delaware limited liability company, all its right, title, and interest in and to that certain easement for ingress and egress purposes, acquired by Easement document recorded on January 16, 2001, as Document No. 01-0080123, of Official Records, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, insofar and only insofar as said easement exists on the real property in the City of Glendale, County of Los Angeles, State of California, described in Exhibit A attached hereto and by this reference made a part hereof.

Dated April 5, 2011



(LACFCD-SEAL)

ATTEST:

SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

Deputy

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT,
a body corporate and politic

By
CHAIRMAN PRO TEM, BOARD OF SUPERVISORS of the
Los Angeles County Flood Control District

PAULA DRAIN 2EXE
978-RW 1.1
S.D. 5 C902010MPM
Project ID: MPM0000177

DB:bw

P:\CONF\QCDEASEFLTOLIMITEDEXPAULA DRAIN23x3.82610 RVSD 9210

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On January 6, 1987, the Board of Supervisors for the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts adopted a resolution pursuant to Section 25103 of the Government Code that authorized the use of facsimile signatures of the Mayor of the Board on all papers, documents, or instruments requiring the Mayor's signature.

The undersigned hereby certifies that on this 5th day of April, 2011, the facsimile signature of MARK RIDLEY-THOMAS,
CHAIRMAN PRO TEM, BOARD OF SUPERVISORS of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, was affixed hereto as the official execution of this document. The undersigned further certifies that on this date a copy of the document was delivered to the Mayor of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT.

In witness whereof, I have also hereunto set my hand and affixed my official seal the day and year above written.



(LACFCD-SEAL)

APPROVED AS TO FORM

ANDREA SHERIDAN ORDIN
County Counsel

By [Signature]
Deputy

SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By [Signature]
Deputy

APPROVED as to title and execution, _____, 20____.
DEPARTMENT OF PUBLIC WORKS Survey/Mapping & Property Management Division
Supervising Title Examiner
By _____

EXHIBIT A

PAULA DRAIN 2EXE

978-RW 1.1

A.I.N. 5627-018-065 (Portion)

T.G. 564 (B3)

I.M. 159-197

S.D. 5

C902010MPM

LEGAL DESCRIPTION

PARCEL NO. 2EXE (Quitclaim of a portion of easement):

That portion of that certain parcel of land in Lot 2, Block 10, Pelanconi Tract, as shown on map recorded in Book 135, pages 62, 63, and 64, of Maps, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, described as Parcel No. P-2IE in deed to LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, recorded on January 16, 2001, as Document No. 01-0080123, of Official Records, in the office of said Registrar-Recorder/County Clerk, lying northerly of the following described line:

Beginning at the easterly terminus of that certain course described as having a bearing and length of North 86°18'56" East 186.68 feet in the northerly sideline of said Parcel No. P-2IE; thence North 86°57'45" East 46.40 feet to the intersection of the curved southeasterly line of said Parcel No. P-2IE and that certain concentric curve described as having a central angle of 19°22'38" and arc length of 250.26 feet in Corrective Quitclaim Deed to FBTC LEASING CORP., recorded on August 24, 1998, as Document No. 98-1508532, of said Official Records.

Containing: 952 ± square feet



APPROVED AS TO DESCRIPTION
<i>SEPTEMBER 1, 2010</i>
COUNTY OF LOS ANGELES
By <i>[Signature]</i>
LICENSED SURVEYOR
Survey/Mapping and Property Management
Division

USE AGREEMENT NO. 76374
BURBANK EASTERN SYSTEM-
SUNSET CHANNEL
PARCELS 128 AND 312
THOMAS GUIDE NO. 564-B3
RW MAP NO. 149-RW 1.1
A.I.N. 5627-020-907
FIFTH DISTRICT

FIRST AMENDMENT TO USE AGREEMENT NO. 76374

This Amendment to Use Agreement No. 76374 ("Amendment") is entered into this 5th day of April, 2011, by and between LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic, hereinafter referred to as "DISTRICT", and CITY OF GLENDALE, a municipal corporation, hereinafter referred to as "USER".

RECITALS

WHEREAS, on October 16, 2007, DISTRICT and USER entered into Agreement No. 76374 (hereinafter referred to as Agreement), attached as Exhibit 1, for the use of a portion of DISTRICT's property, as defined under the Agreement, hereinafter referred to as "Premises" for recreational purposes in connection with the User's project known as Glendale Narrows River Walk Project;

WHEREAS, USER desires to include recreational trails as a part of the installation and maintenance of certain improvements on Premises, under the terms and conditions set forth in the Agreement.

NOW THEREFORE, in consideration of the foregoing recitals, DISTRICT and USER hereby agree to amend the Agreement as follows:

1. The Fourth paragraph on page 1 of the Agreement shall be amended to read as follows:

WHEREAS, the USER proposes to install and maintain certain improvements on PREMISES in connection with the Glendale Narrows Riverwalk Project, specifically including: fencing, landscaping, recreational trails, an irrigation system, and seating in the form of benches or seat walls as components of a rest area for bicyclists and pedestrians, hereinafter referred to as IMPROVEMENTS; and

2. Except as modified in this Amendment, all terms and conditions of the Agreement shall remain in full force and effect.


IN WITNESS WHEREOF, this First Amendment to Agreement 76374 has been duly executed by the parties hereto the day and year first above written.

Reviewed By:


George Chapjian, Director
Community Services & Parks Dept.

USER

CITY OF GLENDALE
a municipal corporation

By: 
City Manager
Date: 08-10-10

Approved as to Form:

by 
City Attorney 8-6-10


DISTRICT

LOS ANGELES COUNTY
FLOOD CONTROL DISTRICT
a body corporate and politic

By: 
CHAIRMAN PRO TEM, BOARD OF SUPERVISORS

ATTEST:

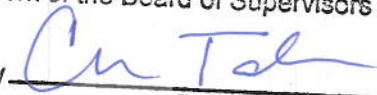
SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By: 
Deputy



I hereby certify that pursuant to
Section 25103 of the Government Code,
delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By: 
Deputy

APPROVED AS TO FORM:

ANDREA SHERIDAN ORDIN
County Counsel

By: 
Deputy

ADOPTED
BOARD OF SUPERVISORS
CITY OF LOS ANGELES

#27 APR 5 2011


SACHI A. HAMAI
EXECUTIVE OFFICER

76374 SUPPLEMENT 1

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On January 6, 1987, the Board of Supervisors for the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts adopted a resolution pursuant to Section 25103 of the Government Code that authorized the use of facsimile signatures of the Chair of the Board on all papers, documents, or instruments requiring the Chair's signature.

The undersigned hereby certifies that on this 5th day of April, 20 11, the facsimile signature of MARK RIDLEY-THOMAS, CHAIRMAN PRO TEM, BOARD OF SUPERVISORS of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, was affixed hereto as the official execution of this document. The undersigned further certifies that on this date a copy of the document was delivered to the Chair of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT.

In witness whereof, I have also hereunto set my hand and affixed my official seal the day and year above written.



(LACFCD-SEAL)

APPROVED AS TO FORM

ANDREA SHERIDAN ORDIN
County Counsel

By [Signature]
Deputy

SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By [Signature]
Deputy

ACKNOWLEDGMENT FORM

STATE OF CALIFORNIA)
COUNTY OF L.A.) ss.

On 8-10-10, before me, L. Patrick (here insert name), a Notary Public,
the undersigned, personally appeared James E. Starbird, City Manager
(insert name and title)

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

L. Patrick
Signature
L. Patrick
(Name, Typed or Printed)



NOTARIES: ATTACH ADDITIONAL OR OTHER FORMS, IF REQUIRED

ACKNOWLEDGMENT FORM

STATE OF CALIFORNIA)
COUNTY OF _____) ss.

On _____, before me, _____ (here insert name), a Notary Public,
the undersigned, personally appeared _____
(insert name and title)

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

(Name, Typed or Printed)

NOTARIES: ATTACH ADDITIONAL OR OTHER FORMS, IF REQUIRED